

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Reorganization Meeting Minutes  
January 7, 2015  
7:30 PM**

**1. Call to Order**

Board Clerk, Karen Wick called the meeting to order at 7:30pm.

**2. Open Public Meeting Act Statement**

Board Clerk, Karen Wick read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

**4. Reorganization**

**A. Election of Zoning Board Members**

**1. Chairperson**

The Board Clerk asked for nominations to this position.

Member Vietri nominated Ron DiMura for Chairperson for the Board of Adjustment, seconded by Member Thompson.

The Board Clerk asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello-yes, Member Hoyt-yes, Member DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. The motion was carried unanimously.

Ron DiMura was voted Chairperson for the Board of Adjustment for 2015.

The gavel was given back to Chairperson Ron DiMura.

**2. Vice-Chairperson**

Chairperson DiMura asked for nominations for this position.

Member Vietri nominated Anthony Thompson for Vice Chairperson for the Board of Adjustment, seconded by Member Anello.

Chairperson DiMura asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. The motion was carried unanimously.

Anthony Thompson was voted Vice Chairperson for the Board of Adjustment for 2015.

### **3. Secretary**

Chairperson DiMura asked for nominations for this position.

Member Thompson nominated John Anello for Secretary for the Board of Adjustment, seconded by Member Vietri.

Chairperson DiMura asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello- yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri- yes, Member Lopa-yes, Member Thompson-yes. The motion was carried unanimously.

John Anello was voted Secretary for the Board of Adjustment for 2015.

### **B. Appointment of Board Attorney**

Chairperson DiMura, Member Vietri and Member Anello reviewed the 2 RFP's for Attorney.

The Subcommittee recommended Ms. Dowling for Attorney.

Member Thompson made a motion to appoint Ms. Dowling as Attorney for the Board of Adjustment for 2015, seconded by Member Vietri. Vote: Member Vietri-yes, Member Hoyt-yes, Member DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa yes-Member Thompson-yes. Motion passed.

Ms. Joan Dowling, Esq was appointed Board of Adjustment Attorney for 2015.

### **C. Appointment of Board Engineer**

The subcommittee recommended Najarian Associates for Engineering Services.

Member Anello made a motion to appoint Najarian Associates for Engineering Services for the Board of Adjustment for 2015, seconded by Member Thompson. Vote: Member

Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

Najarian Associated was appointed as Board of Adjustment Engineer for 2015.

#### **D. Appointment of Board Planner**

The subcommittee recommended Michael Cole and Associates as Planner.

Member Lopa made a motion to appoint Michael Cole and Associates as Planner for the Board of Adjustment for 2015, seconded by Member Anello. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

Michael Cole and Associates was appointed Board of Adjustment Planner for 2015.

#### **E. Appointment of Recording Secretary**

Member Thompson made a motion to appoint Karen Wick as Recording Secretary, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

#### **F. Appointment of Board Clerk**

Member Vietri made a motion to appoint Karen Wick as Board Clerk, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

#### **G. Approval of Regulations**

Chairperson Dimura stated that the Rules of Order are incorrect with the 8:00pm meeting start time, the time should be corrected to state 7:30pm.

Member Anello made a motion to adopt the Rules of Order with the correction of the meeting start time, seconded by Member Hoyt: Vote: Member Anello-yes, Member Hoyt-yes, Chairperson Dimura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes.

Member Lopa questioned the fees regarding the professionals.

The fee question will be discussed at the next meeting.

#### **H. Approval of 2015 Meeting Schedule**

Member Thompson made a motion to approve the 2015 Board of Adjustment Calendar, seconded by Member Anello. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

### **I. Approval of Official Newspaper**

Member Anello made a motion to use Courier News as the Official Newspaper for Board of Adjustment for 2015, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

### **5. Approval of Minutes**

Member Anello requested a change to page 3 of the December 17, 2014 minutes from only allow 4 containers to this situation.

Member Anello made a motion to approve the December 17, 2014 minutes with the amendment, seconded by Member McNulty. Vote: Member Anello-yes, Member Hoyt-abstain, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

### **6. Board Member Comments**

Board Clerk informed the Board of the upcoming NJPO training class.

### **7. Public Comments**

No members of the public attended.

There being no further business Member Thompson made a motion to adjourn the meeting at 7:56pm, seconded by Member Lopa. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**January 21, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:38pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [absent]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

**4. Minutes**

Member Lopa made a motion to approve the minutes from the January 7, 2015 meeting, seconded by Member Thompson. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2014-04**  
**Praso 796 William, LLC**  
**796 William St.**  
**Block 319 Lot 19**

Member Anello made a motion to adopt the Resolution approving the use variance, bulk variance and site plan, seconded by Member Thompson.

The Board discussed the additional line referencing that all applicant pay all fees and escrow before issuance of a permit and or issuance of Certificate of Occupancy.

Ms. Dowling stated that this would be on all future Resolutions so an applicant would not be able to say they were not informed of this procedure.

Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member Thompson-yes, Member Lopa-yes, Member McNulty-yes, Member Johnson-yes. Motion passed.

## 6. Attorney Contract

Member Anello made a motion to adopt the Attorney Contract with the terms defined in the Resolution, seconded by Member Thompson. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member Thompson-yes, Member Lopa-yes, Member McNulty-yes, Member Johnson-yes. Motion passed.

## 7. Discussion of Fees

Board Members discussed escrow fees and reviewed the current escrow fee schedule . Board Members had concerns over the amount of times an applicant comes to the Board and escrow replenishment.

The Board Clerk informed members that last year the escrows were increased with the recommendations from the Planning Board and were approved by the Governing Body.

Chairperson DiMura formed a subcommittee to research the fees, meet with the Zoning Officer to decide which Ordinances should be reviewed. Members Anello, Lopa and Thompson will be on the Subcommittee. Member Anello will Chair the Subcommittee.

Chairperson DiMura opened the meeting to the public- there being no public present- closed the public portion of the meeting.

There being no further business Member Thompson made a motion to adjourn the meeting at 8:30pm,seconded by Member Anello. Vote: All in favor. Motion passed.

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Secretary

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Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
February 18, 2015  
7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:30pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent]	Sean Johnson Dec/2015 [present]

**4. Minutes**

Member Thompson made a motion to approve the minutes from the January 21, 2015 meeting, seconded by Member Anello. Vote: All in favor. Motion passed.

**5. New Business**

**MBKS LLC  
102 South Ave  
Block 287 Lot 6**

Chairperson DiMura read into the record the letter from the applicant requesting the application be adjourned to the March 4, 2015 meeting. Member Vietri made a motion to open the application, preserving the notice and adjourning this application to March 4, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Chairperson DiMura-yes, Member Vietri- yes, Member Thompson- yes, Member Johnson-yes. Motion passed.

**6. Resolution for Substitute Legal Counsel due to conflict**

Ms. Dowling informed the Board that she has a conflict with an upcoming application regarding 619 Union Ave.

Ms. Dowling prepared a Resolution to have the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer and Flaum retained as substitute attorney. The Board would ideally have Ms. Kelly Carey who represents the Middlesex Borough Planning Board.

Member Thompson made a motion to adopt the Substitute Legal Counsel Resolution, seconded by Member Vietri. Vote: Member Anello-yes, Chairperson DiMura-yes, Member Vietri-yes, Member Thompson-yes, Member Johnson-yes. Motion passed.

## **7. Board Member Comments**

### **A. Ordinance Review 420-13(A) (4) chemicals and hazardous substances**

Member Thompson made a motion to table the discussion until the next agenda meeting, seconded by Member Anello. Vote: All in favor.

The ordinance review was tabled until the next agenda meeting.

Chairperson DiMura opened the meeting to the public, there being no public closed the public portion.

There being no further business Member Thompson made a motion to adjourn the meeting at 7:41pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**March 18, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:33pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent]	Sean Johnson Dec/2015 [present]

Also present were Ms. Dowling, Board Attorney and Mr. Uzo Ahairakwe, Board Planner.

**4. Minutes**

Member Thompson made a motion to approve the minutes from the February 18, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Member Hoyt-abstain, Chairperson DiMura-yes, Member Vietri-yes, Member Lopa-abstain, Member Thompson-yes, Member Johnson- yes . Motion passed.

**5. New Business**

**Z2015-01**

**MBKS, LLC**

**102 South Ave.**

**Block 287 Lot6**

**Interpretation**

Ms. Dowling explained to the Board Members that interpretation was filed to have the Zoning Board to determine if the applicant's use of the properties was within the perimeters of the Certificate of Continued Occupancy that was issued years ago. Ms. Dowling stated that Middlesex Borough does not have an Ordinance that refers to the Zoning Board to review Certificates of Continued Occupancy. The Board cannot do that

but the Board can interpret a zoning ordinance to see if the use is "permitted" in the zone as per the NJ Statute 40:55 D.

The Board will determine if the use is permitted in the zone.  
Mr. Bob Zoller will be representing Mr. Sowden of Richies's Tires.

Mr. Zoller gave a background of the operations: from 1987 to 2000 Mr. Sowden was located at 125 South Ave in which he used a parcel of land that was leased to him by Conrail. When he could no longer use this land he moved 107 Egel and purchased 102 South Ave (which is located behind 107 Egel Ave.) for his business.

Mr. Zoller explained that Richie's Tires is a tire recycling business and trailers that are at 102 South Ave are used to store the tires due to regulations that tires are not allowed to be stored outside. Those trailers are located at 102 South Ave. When the trailers are full then the trailers are moved and are not permanently stored at that site.

Mr. Zoller stated that the local ordinance provides for storage of materials in this zone. Mr. Zoller explained that trailers are used as part of the business for Richie's Tires and will have testimony from Scott Luthman former Zoning Officer who had signed the Certificate of Continued Occupancy.

Mr. Zoller stated in October 2014 Mr. Sowden was issued tickets for operating a truck depot and outside storage, which is not permitted in this zone.

Ms. Dowling duly swore in Richard Sowden, 393 Jaguar Lane, Bridgewater NJ.

Mr. Sowden described his business as tire recycling. Mr. Sowden stated that he first operated out of 125 South Ave (from 1987 to 2000). Mr. Sowden stated that his business picks up tires from gas stations and car dealerships and collects tires. The tires are then put into the trailers. Then the full trailers are brought to the County. The County then chips and shreds the tires.

Mr. Sowden also provides road service, he might tow them to his site or a different site.

Mr. Sowden stated that he first used 125 South Ave to run both businesses. The recycling of tires uses the trailers as part of the business. Mr. Sowden stated that he first used the property leased by Conrail for the trailers. This property was adjacent to this property. Mr. Sowden stated that he could have 12 to 15 trailers, that this varies daily.

Mr. Sowden stated that Conrail property was sold. He then moved his business to 107 Egel Ave and 102 South Ave. and had contacted Mr. Luthman from the Borough regarding this.

Member Lopa questioned if Mr. Sowden received a Certificate of Continued Occupancy.

Mr. Sowden stated that he did receive a Certificate.

Ms. Dowling stated that the purpose was to discuss 102 South Ave.

Chairperson DiMura clarified that in 2000, Ritchie's Tires purchased 102 South Ave and 107 Egel Ave at the same time.

Mr. Sowden explained that 102 South Ave backs up to 107 Egel Ave., that this property does not have a building on it, and the front of the property is open, there is no fence between the properties, 107 Egel has the office on it.

Mr. Sowden stated that he walked the property with Mr. Luthman and there were oil tanks on the property and that the owner he was purchasing from would have to remove these oil tanks. Mr. Sowden stated that at any time this owner would have between 10 to 12 tanker or tractor trailer trucks at a time on the property.

Member Lopa questioned if this property was ever cleaned up.

Chairperson DiMura questioned Mr. Sowden if he would describe this prior use as a truck depot.

Chairperson DiMura stated that he felt this prior use was a truck depot.

Mr. Sowden stated how he would be using the property as truck parking and stated to Mr. Luthman that the tanks would have to be removed. Mr. Sowden stated that Mr. Luthman informed him that he would have to do so homework regarding this property.

Member Lopa questioned how Mr. Luthman could have issued a Certificate if the site was not cleaned up.

Mr. Sowden stated that a Certificate of Continued Occupancy was issued for 102 South Ave.

Mr. Zoller stated that there was a Certificate of Continued Occupancy issued for 102 South to the prior owner as a tank storage yard.

Ms. Dowling questioned who the prior certificate was issued to.

Mr. Zoller stated that the prior Certificate was issued to the prior owner Mr. Colaluca.

Ms. Dowling questioned what was the “purpose of” that was listed on the Certificate of Continued Occupancy dated April 15, 1998.

Mr. Zoller stated that the Certificate states for the purpose of tank storage.

Ms. Dowling questioned what was “the purpose of” listed on the Certificate of Continued Occupancy dated June 1, 2000.

Mr. Zoller stated that the Certificate stated for the purpose of a storage yard.

Mr Zoller stated that the zoning ordinance in 2000 allowed for storage and would have Mr. Luthman testify how he applied the ordinance.

Ms. Dowling stated that the contractor's equipment or storage yards were permitted.

Mr. Zoller stated that the Certificate of Continued Occupancy issued July 16, 1981 was issued for the purpose of a storage yard.

Mr. Zoller marked the 3 Certificates of Continued Occupancy from 1981, 1998 and 2000 for 102 South Ave as Exhibit A1 (3-18-15) and handed the Exhibit to the Board Clerk and copies to all Board Members.

Member Thompson questioned the tickets that were issued to him.

Ms. Dowling stated that the Board was to interpret the ordinance only.

Mr. Zoller reviewed with Mr. Sowden his conversation with Mr. Luthman moving across the street.

Mr. Sowden stated that he did have the same use as the location of 125 South Ave, that there were the same amount of trailers at 102 South Ave as there was at 125 South Ave. and never had any issues

Chairperson Dimura referred to the 2000 Continued Occupancy document that the words parking lot was crossed off by Mr. Luthman .Ms. Dowling stated that the application was applied for on his behalf from the prior owner.

Mr. Zoller stated that the prior owner filled out the application.

Ms. Dowling stated that the applicant applied for one thing and then received an Certificate for something else.

Mr. Zoller stated that the prior use had been for storage and provided Aerial photographs from 1953 to 2007 that show storage tanks on the property.

The package of aerial photographs tabbed A- H was entered as Exhibit A2.

Mr. Zoller stated that the prior certificates show that the property had been used to store tanks.

Ms. Dowling and Mr. Zoller debated the use of the photographs.

Member Anello stated that the Certificates of Continue Occupancy were issued for tank storage and not storage facility even though the use was not permitted and these are two different items.

Mr. Zoller questioned Mr. Sowden if he had spoken to any other property owners regarding the use of trailers and tractors on their property.

Member Lopa stated that these could be legal or not legal, can't rely on other properties, and have to go by what you have.

Mr. Zoller questioned Mr. Sowden as to how the property at 107 Egel Ave office interacts with 102 South Ave.

Mr. Sowden stated the ties go directly to the site at 102 South Ave. that they do not go to 107 Egel Ave.

Mr. Sowden stated that 107 Egel Ave. is the office that does the billing and 102 South Ave. is used in the collection of recycling tires.

Mr. Zoller questioned Mr. Sowden if he had been designated as a recycling center.

Mr. Sowden stated in 2002 that he had been designated as a recycling center and that anyone in Middlesex County could bring their tires to the trailer on his site to be recycled. Mr. Zoller questioned if anyone in authority raised any issues with this.

Ms. Dowling stipulated that in Oct 2014 was the only time he was questioned as to the use of the property.

Chairperson DiMura questioned the trailers at 102 South Ave., how long are these trailers at the site, and how many times do they go out.

Mr. Sowden stated that the trailers could be there from overnight to a week to a month. He stated that the trailers leave when they are full and bring back when empty.

Chairperson DiMura questioned how many times a trailer goes in and out from the site.

Mr. Sowden stated that there are multiple trailers on the lot, at least one trailer leaves once a month, depending on the volume per month it could be three or four in one week that leave and come back.

Mr. Zoller stated that these trailers are the type that tractor trailers truck transport all over NJ .

Member Anello questioned what else was parked at the site.

Mr. Sowden stated that a wrecker and flat bed was parked at 102 South Ave, usually a wrecker is parked inside at 125 South Ave.

Member Thompson questioned the previous statements pertaining to the trailers and not being permanently stored at the site.

Member Anello clarified that the business at 102 South Ave is independent of the business at 107 Egel Ave.

Chairperson DiMura referred to the Planner's Report.

Mr. Uzo Ahairakwe referred to the Planner's Report on page 4 (D). The statement regarding if lot 6 was an accessory use to lot 51( must be on the same lot by ordinance) or if this was a different use because truck storage/depots are not permitted.

Mr. Ahairakwe stated that a site visit had been done and it was observed that traffic enters into lot 51(107 Egel Ave) by using lot 6 (102 South Ave.)

Ms. Dowling confirmed that Mr. Ahairakwe meant that trucks enter 102 South Ave to get access to 107 Egel Ave.

Ms. Dowling stated that 102 South Ave was an access to 107 Egel Ave.

Mr. Ahairakwe questioned the fencing around Block 287 Lot 51, Block 287 Lot 6, Block 287 Lot 18 leading to Member Anello stating that lot 18 is labeled wrong in the key map.

Chairperson DiMura questioned the applicant if trailers are kept on lot 18 for the recycling of tires.

The Board tried to clarify where the dumpsters are located.

Mr. Sowden stated that the dumpsters for lot 51 are located on Lot 18.

Ms. Dowling questioned the applicant if these lots were ever merged, and if lot 18 had any other accessory use to lot 51 besides the dumpsters.

Mr. Sowden stated that it was only the dumpsters.

Ms. Dowling duly swore in Mr. Scott Luthman, 870 Gates Ave. Piscawatay NJ.

Mr. Zoller stated that Mr. Luthman would be a fact witness and stated his employment background.

Mr. Luthman stated that in 2000 he had visited the site and the prior owners used the lot for storage of tractors and trailers. He had been confused by the ordinance so he contacted the former zoning officer, Mr. Kolb regarding the Certificate and they both felt it was a continued use.

Mr. Luthman stated that when he had worked for the Borough, the application for Continued Occupancy was also the zoning application, and he was not sure if the Borough still continues to operate this way.

Mrs. Dowling stated that in 2000 the Ordinance 82-57 in the Industrial zone 82-57 (D) prohibited uses: (7) truck storage truck depots and truck terminal as a principle use.

Mr. Luthman stated what was confusing was what was allowed.

Member Anello clarified that Mr. Luthman stated that prior use approved at 125 South Ave was discussed by Mr. Luthman and Mr. Kolb but this is a different location than the one being discussed.

Mr. Luthman stated he reviewed previous certificates, and reviewed what had been approved on South Ave.

Ms. Dowling questioned Mr. Luthman regarding to what was allowed.

Ms. Dowling and Mr. Luthman reviewed the 2000 Ordinance.

Ms. Dowling questioned where in the Ordinance it allows for truck storage.

Mr. Luthman stated that is does not, that the previous certificate allowed for the truck storage.

Ms. Dowling stated that the previous certificate for 102 South Ave was for the purpose of tank storage.

Mr. Luthman stated that there were only tanks on the left hand portion of the property and was used for a truck storage.

Member Anello stated that the certificate was issued for tank storage anything else was above and behind the realm of the certificate.

Ms. Dowling questioned Mr. Luthman where in Ordinance 82-57 does it allow for truck storage.

Mr. Luthman stated that it allowed for truck storage in section 5.

Ms. Dowling read Ordinance 82-57 section 5.

Chairperson Dimura questioned Mr. Luthman if truck storage was permitted.

Mr. Luthman stated that truck storage was not permitted.

Chairperson DiMura stated on the certificate of continued of occupancy, the use was for tank storage and the Richie's tires was not going to be using the property for tank storage.

Chairperson DiMura stated he felt that it was a truck depot.

The Board discussed truck storage and trailer storage.

Mr. Zoller questioned Mr. Luthman on the use of the property.

Mr. Luthman stated that in addition to the tanks there had been truck storage on the site, there had been back to back trailer, tankers and box trucks.

Mr. Luthman stated even though it was not compliant he based his decision on what the property had been previously approved for and issued a certificate.

Board Members questioned Mr. Luthman on why he did not have the applicant apply for a variance in 2000.

Chairperson Dimura stated that in 1998 the certificate was issued for tank storage, and that in 2000 the certificate of continued occupancy was issued for a storage yard that it was not the same use.

Member Anello stated that tank storage is something set and permanent, not something mobile as trucks.

The Board and Mr. Zoller discussed the tank and the storage on the site.

Ms. Dowling stated from 1953 to 2000 there was tank storage and then in 2000, was a new owner and new use.

Ms. Dowling and Mr. Zoller discussed the deed of the property and the name on the 2000 Certificate of Occupancy and if Mr. Luthman had made any administrative mistake.

Mr. Luthman stated that he made his decision based on the conversation with Mr. Kolb.

Chairperson DiMura clarified that Mr. Luthman stated that originally looked at the property it was a use that was not permitted. Then he had a conversation with Mr. Kolb about the surrounding properties and then he made his decision.

Mr. Luthman agreed with Chairperson DiMura regarding this statement.

Chairperson DiMura stated the Mr. Kolb could have made a mistake and that Mr. Luthman could have had the applicant go to the Board.

Mr. Luthman stated that there had been trucks on the lot and he had felt he had been consistent with the prior uses.

Member Thompson questioned the fact the words parking lot were changed to the storage yard in the official area of the application.

Mr. Luthman explained what could have happened and that the Certificate was issued for a storage yard.

Ms. Dowling entered the application with the cross out as Exhibit A3 (3-18-15).

Mr. Luthman stated that the use is still the same as was issued in 2000.

Mr. Luthman stated that this use of the property is not an accessory use and is the primary use of this property.

Mr. Zoller commented on the Planner's report and gave his summary statement regarding storage on this property.

Ms. Dowling stated that the Board had to review the Ordinance and is the use of the property in keeping with the Ordinance.

Chairperson DiMura asked each Board Member on their decision.

Member Lopa stated that the applicant should come before the Board for a variance for a nonconforming use.

Member Vietri stated that the applicant should come before the Board for a variance.

Member Thompson stated the applicant was using the property for storage of tires, trucks are just a way to move the tires and it was a proper use.

Member Anello stated that applicant should come before the Board for a variance.

Member Johnson stated the applicant was using the property for storage of tires and it was a proper use.

Member Hoyt stated the applicant should come before the Board for a variance.

Chairperson DiMura felt the mistake was made in 2000, and the applicant should come before the Board for a variance.

Ms. Dowling questioned Mr. Thompson and Mr. Johnson where in the Ordinance is storage permitted in the Industrial zone.

Member Thompson stated in section 420-56 section 5.

The Board stated that the use is not a permitted use.

Member Lopa made a motion that the use is not permitted and the applicant should obtain a variance, seconded by Member Hoyt. Vote: Member Anello-yes, Member Hoyt-yes, Chairperson Dimura-yes, Member Vietri -yes, Member Lopa- yes, Member Thompson-no, Member Johnson-no. Motion passed.

## **7. Professional Contract for Substitute Attorney due to conflict**

Member Thompson made a motion to have the Chairperson sign the contract for substitute attorney, seconded by Member Vietri. Vote: Member Anello-yes, Member Hoyt-abstain, Chairperson DiMura-yes, Member Vietri- yes, Member Lopa-abstain, Member Thompson-yes, Member Johnson-yes. Motion passed.

Chairperson Dimura opened the meeting to the public.

John Ellery, 701 Mountain Blvd, Middlesex, Representative of the Business Association. Mr. Ellery stated he would like to have the Zoning Board, Planning Board and the Council on the same page. Mr. Ellery stated that Borough is running businesses out of town. Mr. Ellery stated that small businesses can't afford to go to the Planning or Zoning Board. Mr. Ellery stated he would like to get the Planning and Zoning Board and Council on the same page.

Member Anello stated that Mr. Ellery is accusing the Board Members that said yes of not being nice to businesses. Member Anello stated that they have to follow the ordinances and that the applicant can apply for a variance.

Mr. Ellery stated he is not accusing the Zoning Board Members, that Ordinances need to be updated.

Member Anello stated he appreciates all the business but he had to go by the Ordinances.

Chairperson DiMura agreed that some of Ordinances do need to be redone and that back in 2000 the Zoning Officer had made a mistake and the applicant should have recieved a variance then. Chairperson DiMura stated that they appreciate all the business and have to follow the Ordinances.

Rich Sowden and Kathy Sowden of Richies Tires thanked the members for their time. He stated he felt he should not have been in front of the Board. They stated that they have had problems with DEP clean up and have reached out to town officials to try to resolve this and other issues. Mr. Sowden felt he was targeted by an individual

There being no further business Member Lopa made a motion to adjourn the meeting at 9:56pm,seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Regular Meeting Minutes**  
**April 1, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:38pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [absent]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

Also present were: Board Attorney- Ms. Joan Dowling  
Board Engineer- Mr. Robert Bucco Jr.  
Board Planner- Mr. Uzo Ahairakwe

**4. Minutes**

Member Lopa made a motion to approve the minutes from the March 18, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Chairperson DiMura-yes, Member McNulty- abstain, Member Vietri-yes, Member Lopa- yes, Member Johnson-yes. Motion passed.

**5. Old Business**

**Z2015-01**  
**MBKS LLC**  
**102 South Ave.**  
**Block 287 Lot 6**

**Memorialize Resolution**

Member Anello made a motion to accept the Resolution stating that the applicant needed to apply for a variance, seconded by Member Lopa. Vote: Member Anello-yes, Member DiMura-yes, Member McNulty- abstain, Member Vietri-yes, Member Lopa-yes, Member Johnson- abstain. Motion passed.

## 6. New Business

**Z2014-06  
New York SMSA Lmtd.  
dba Verizon Wireless  
201 Lincoln Blvd  
Block 132 Lot 1 and 1.01**

## Use Variance

Mr. Reginald Jenkins stated that he was the Attorney for New York SMSA Limited Partnership dba Verizon Wireless.

Mr. Jenkins stated the following about the application:

- that the building is located at 201 Lincoln Blvd
- building is a two story building located in the CLW zone
- small node antenna supported by 2 cabinets would be installed at the site
- a concrete pad would also be installed
- No generator but there is a generator outlet on the site

Mr. Jenkins stated this application is considered a D Variance or a use variance due to the Borough's Ordinance.

Mr. Jenkins placed two Exhibits on the easel and referred to the photographs as Exhibit A1 and Exhibit A2.

Mr. Jenkins described the two photographs in Exhibit A1, there are two photographs, the left photograph shows the property as it currently exists, the right photograph shows the property with photo simulation with the antenna on the property.

Mr. Jenkins described the two photographs is Exhibit A2, there are two photographs, the left photograph shows the property from the east view, the right photograph shows the property also from the east view but a closer view.

Mr. Jenkins stated that you won't be able to see the antenna.

Ms. Dowling suggested that the waivers be reviewed.

The Board started to review the waivers from the March 4,2015 Engineer's report.

The Engineer stated that he had no objections to granting waivers for items 2,4,5, and 6.

Mr. Bucco asked if either the applicant's Engineer or Attorney provide testimony regarding waivers for items 7, 8, and 9.

The waiver requested for item #10 pertaining to site lighting was questioned.

Ms. Dowling duly swore in Mr. James Murawski 16 Sweetwood Ct. Parsippany NJ 07054.

Mr. Murawski stated his education and credentials as an engineer.

The Board accepted Mr. Murawski as an expert witness.

Mr. Murawski explained the waiver regarding site lighting. Mr. Murawski handed the Board of copy of site sheet SP-4 Lighting and Planting Plan dated 9-23-05 with revision date 4-20-06 prepared by the Reynold's Group.

Site plan sheet SP4 dated 9-23-05 with revision date 4-20-06 was entered as Exhibit A3(4-1-15)

Mr. Murawski explained that the current application has no affect on the previously approved and existing site lighting.

The Board Engineer was satisfied with previously approved site lighting and had no objections to granting this waiver.

The Board reviewed waivers 11,12, and 13 and they had no objections to these waivers being granted.

Mr. Murawski reviewed the site plan and stated the following:

- property address is 201 Lincoln Blvd.
- the address consists of two lots under common ownership
- site is located in the CLW zone
- stated the square footage of both lots
- described the chain link fence
- currently 74 parking spaces and 2 handicapped parking spaces at site
- a third handicapped space can be provided to meet ADA requirements
- areas of the building that the equipment will be attached
- described the equipment and antenna(with dimensions)
- described concrete pad
- explained the elevation antenna details
- height of the antenna is 38ft requiring a variance
- explained the construction details
- stated the setbacks from the roadway to the equipment as 87 ft from B St. and 100ft from Chestnut St.
- unmanned site, would be serviced every 4 to 6 weeks by a technician

Member Lopa questioned the antenna area capacity.

Mr. Murawski explained the radio frequencies used.

Member McNulty questioned if the frequency from the antenna would affect the Pierce Fire House Communications.

Mr. Murawski explained that it would not affect the communications.

Member Vietri questioned the signal over the building and how would the communications be impacted if another large building (4 story apartment building) would be built across the street.

Mr. Jenkins stated that he is RF Engineer would be able to answer that question.

Member Anello questioned if the antenna cables would be masked/camouflaged.

Mr. Murawski stated that they could be painted.

Ms. Dowling duly swore in Mr. David Stern, 2540 U.S. Hwy 130, Cranberry, NJ.

Mr. Stern stated that he is a RF Engineer for V Comm Telecomm, stated his education and credentials.

The Board accepted Mr. Stern as an expert witness.

Mr. Stern explained to the Board Members the FCC licenses and different frequency ranges/levels.

Mr. Stern explained the need for the new site for Verizon in developing the 4G Broadband data network.

Mr. Stern explained the capacity and the surrounding macro sites that are designed to provide service.

Mr. Stern entered Exhibit A4(4-1-15) NYSMA Limited Partnership Best Server Colored Map.

Mr. Stern used Exhibit A4 to explain the cell sites coverage in Piscataway, Greenbrook, and Middlesex.

Mr. Stern explained the effect that the apartment building in Bound Brook had on service.

Mr. Stern entered Exhibit A5(4-1-15) Best Server Map and used this Exhibit to show the additional service with the proposed site turned on.

Mr. Stern entered Exhibit A6(4-1-15) Gamma Sector Traffic History showing the measured network traffic with the third busiest hour.

Mr. Jenkins questioned Mr. Stern regarding compliance with fire department.

Mr. Stern stated that if there ever was a problem the FCC has a regulation that Verizon has 24 hours to address the problem.

Member Anello questioned the frequency ranges used by Verizon.

Ms. Dowling questioned Mr. Stern regarding Exhibit A6(4-1-15) regarding the blue and gold colors.

Mr. Stern clarified what each color meant.

Chairperson DiMura questioned Mr. Stern regarding the service, due to the fact, that directly across the street a 4 story apartment building is due to be constructed.

Mr. Stern stated that this proposed site is a perfect fit to serve its purpose for new traffic and that the new traffic usage from the apartment building will be serviced by the cell site at 201 Lincoln Blvd.

Ms. Dowling duly swore in Mr. David Karlebach, 689 Marin Blvd, Jersey City.

Mr. Karlebach gave his education and credentials as a Planner.

The Board accepted Mr. Karlebach as an expert witness.

Mr. Karlebach reviewed photograph Exhibits A1 and A2 and stated the existing conditions of the property such as the size of the property to allow for larger buffer area and longer setbacks.

Mr. Karlebach referred to the process of statutory proofs of granting variances and explained a 4 step balancing test: public interest, any detrimental effects, reasonable conditions, detriment to public good. He gave reasons to support granting the variance.

Chairperson DiMura asked the Board Planner, Mr. Uzo Ahairakwe for his comments.

Mr. Ahairakwe referred to the Cole Associates letter dated March 11, 2015.

Mr. Ahairakwe stated the ADA accessible parking is deficient by one parking space, and would like to see dumpster screening.

The Board discussed the previous site plan approval regarding the two handicapped parking spaces.

Mr. Bucco stated that there may have been different requirements in 2006.

Mr. Uzo Ahairakwe and Mr. Karlebach disagreed if the Board could grant a waiver for a ADA handicapped parking space.

After a discussion, Mr. Jenkins stated that the applicant will add the third handicapped parking space.

Member McNulty asked if Verizon has a lease agreement with the owner of the property.

Member Lopa stated he was in favor of granting the variance.

Member Vietri stated that he was in favor of granting the variance.

Member McNulty asked questions about the certifications and merging the lot that was stated in the planner's report.

After a lengthy discussion and explanation the lots will not be merged.

Member McNulty stated that he was in favor of granting the variance.

Member Anello stated that he was in favor of granting the variance because it benefits the public.

Member Johnson stated that he was in favor of granting the variance because the project benefits the public.

Chairperson DiMura stated that he also was in favor of the project.

After a brief discussion the Board decided to vote on the application that night and then would memorialize the resolution on April 15, 2015.

Member Lopa made a motion to grant SMSA Limited dba Verizon the use variance with the waivers except for the handicapped parking space and also grant the variances associated in conjunction with this application. Vote: Member Anello-yes, Chairperson DiMura-yes, Member McNulty –yes, Member Vietri-yes, Member Lopa-yes, Member Johnson-yes. Motion passed.

There being no further business Member Anello made a motion to adjourn the meeting at 10:20pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
April 15, 2015  
7:30 PM**

**1. Call to Order**

Vice-Chairperson Thompson called the meeting to order at 7:32pm.

**2. Open Public Meeting Act Statement**

Vice-Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Ron DiMura Dec/2017 [absent]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

Also present was: Board Attorney- Ms. Joan Dowling

**4. Minutes**

Member Lopa made a motion to approve the minutes from the April 1, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Member Hoyt- abstain, Member Thompson- abstain, Member McNulty- yes, Member Vietri-yes, Member Lopa-yes, Member Johnson-yes. Motion passed.

**5. Old Business**

**Z2014-06  
New York SMSA Lmtd.  
dba Verizon Wireless  
201 Lincoln Blvd  
Block 132 Lot 1 and 1.01**

Member Anello made a motion to adopt the Resolutions with the conditions defined in Resolution, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt- abstain, Member McNulty- yes, Member Vietri- yes, Member Lopa- yes, Member Thompson- abstain, Member Johnson-yes. Motion carried.

## 6. Board Member Comments

Ms. Dowling informed the property owner of 201 Lincoln Blvd. the process of the publication of the Resolution.

The Board Clerk will mail the Resolution to the Attorney for Verizon.

Vice Chairperson Thompson opened the meeting to the public, there being no public, he closed the public portion of the meeting.

There being no further business Member Lopa made a motion to adjourn the meeting at 7:43pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Regular Meeting Minutes**  
**May 6, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:36pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent]	Sean Johnson Dec/2015 [absent]

Also present were: Board Attorney- Ms. Joan Dowling  
Board Planner- Mr. Michael Cole  
Borough Zoning Officer- Ms. Barrie Palumbo

**4. Minutes**

Member Thompson made a motion to approve the minutes from the April 15, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Member Thompson-yes, Member Vietri-yes, Chairperson DiMura- yes. Motion passed.

**5. New Business**

**Z2014-06**  
**New York SMSA Lmtd.**  
**dba Verizon Wireless**  
**90 Wood Ave**  
**Block 319 Lot 39**

Mr. Reginald Jenkins stated that he would be representing Verizon in the appeal of the zoning officer's decision.

Mr. Jenkins stated that the existing monopole would be co locating equipment.

Ms. Dowling explained that since only five members were present it is the applicant's choice to continue with testimony and have a vote at the next meeting.

The applicant elected to proceed with the testimony and have a vote at the next meeting.

Mr. Jenkins referred to state and federal statutes regarding equipment co- locate laws.

Mr. Jenkins referred to an example of this type of cell towers using Verizon and T-mobile and how many antennas each cell tower has.

Ms. Dowling referred to Mr. Cole's report that stated that the current application is bigger than the T mobile site plan that was approved.

Mr. Jenkins and Ms. Dowling discussed standard equipment.

Ms. Dowling duly swore in applicant's Engineer, Mr. Chad Schwartz, 53 Frontage Rd., Hampton NJ.

Mr. Schwartz stated his education and credentials.

The Board accepted Mr. Schwartz as an expert witness.

Mr. Schwartz started to refer to the site plan.

Mr. Jenkins and Ms. Dowling asked for a five minute recess.

Upon returning from recess roll call was taken with all members still present.

Ms. Dowling stated that the applicant will be resubmitting revised plans to the Zoning Officer and the matter will be held in abeyance.

Mr. Jenkins agreed with Ms. Dowling's statement.

The appeal will be on hold and June 3, 2015 there will be status notification to the Board.

## **6. Ordinance Review**

Chairperson DiMura asked Member Anello for an overview of the Ordinance Review.

Member Anello explained that currently as Ordinance 420-15 Accessory Structures is written, the structure could be the same size of the principal structure.

Mr. Cole recommended up to 20% of the principal structure with a maximum of 800 sq ft.

Ms. Palumbo recommended the square footage for a 2 car garage as the size of an accessory structure.

The Board discussed that the recommendations are for residential zones only.

Ms. Dowling will write a letter to the Planning Board regarding this recommendation.

The Board reviewed Ordinance 420-62 Fences.

The Board discussed the good side of the fence and existing fences would be grandfathered in.

The Board agreed with the subcommittee recommendations.

Ms. Dowling will write a letter to the Planning Board regarding the recommendations for Ordinance 420-62 Fences.

#### Ordinance 420-12 Site Plan Approval

Ms. Palumbo explained to the Board that an applicant can ask for waivers, that the waiver request forms are part of the site plan application.

Ms. Palumbo explained that the current standards are required by ordinance, that the applicant can't bypass the process but can ask for waivers for items on the checklist.

Ms. Palumbo explained to the Board repair shops are considered conditional use by the Borough's Ordinances, and that the repair shops parking areas can be a problem and online sales of cars.

Ms. Palumbo gave an example of the gas station at 101 Bound Brook Rd has site plan approval, therefore Ms. Palumbo can sign off on the zoning use permit application, the applicant knows clearly where cars can be parked.

### **7. Correspondence**

Chairperson DiMura stated that Mr. Johnson's letter should be sent to the Governing Body.

The Board agreed and directed the Board Clerk to attach Mr. Johnson's letter and Ms. Palumbo's memo with the minutes when sending the minutes to the Mayor and Council.

There being no further business, Member Anello made a motion to adjourn the meeting at 9:35pm,seconded by Member Thompson. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

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Borough of Middlesex  
Zoning Board of Adjustment  
1200 Mountain Avenue, Middlesex, N.J. 08846

**Agenda Meeting**

May 20, 2015

7:30 P.M.

I. Call to Order

II. Open Public Meeting Act Statement

III. Pledge of Allegiance

IV. Roll Call

John Anello Dec/2016 [ ]

Ron DiMura Dec/2017 [ ]

Phil Lopa Dec/2015 [ ]

Joseph McNulty Dec/2016 [ ]

Guy Hoyt Dec/2017 [ ]

Anthony Thompson Dec/2018 [ ]

Anthony Vietri Dec/2015 [ ]

Sean Johnson(1<sup>st</sup> Alt) Dec/2015[ ]

V. Approval of Minutes

VI. Ordinance Discussion

A. Recommendation Letter to Planning Board

B. 420-13 Chemicals

VII. Board Member Comments

VIII. Public Comments

IX. Adjournment

The next Zoning Board Meeting will be on June 3, 2015.

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**June 17, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:36pm.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

Also present was: Board Attorney- Ms. Joan Dowling

**4. Minutes**

Member Thompson made a motion to accept the May 20, 2015 meeting minutes, seconded by Member Anello. Vote: All in favor. Motion passed.

**5. New Business**

**Z2015-04**  
**Kyle and Amy Flood**  
**351 Grant Ave**  
**Block 109 Lot 12**

**Sideyard setback**

Ms. Dowling duly swore in Amy Flood and Kyle J. Flood, 209 Walnut Ave and 351 Grant Ave. Middlesex NJ 08846 and Keith Barclay, 23 Barclay Ct, Middlesex NJ 08846.

Ms. Dowling clarified that the applicants are Kyle and Amy Flood and the builder is Keith Barclay.

Mrs. Flood stated that they had purchased the property in September of 2014, that the property is narrow and deep, and they want the new house to fit in with surrounding area of Grant Ave, Beechwood Ave and Hazelwood Ave.

Mrs. Flood stated that there would be a breezeway that would attach the house to the garage.

Mrs. Flood had been informed a variance is then needed for the sideyard setback for the garage.

Mrs. Flood stated that they are asking for a variance before submittal of any building plans to the Borough.

Chairperson DiMura asked if there was a house currently on the lot.

Mrs. Flood stated that the previous house had been demolished in January 2015.

Mr. Barclay stated that if the applicant was to remove the covered breezeway then no variance would be needed.

The Board reviewed the size and dimensions of the 2 car garage/pool house and also reviewed the survey of the property.

Exhibit A1(6/17/2015) was entered as the demolition plan survey.

Chairperson DiMura opened the meeting to the public for questions.

Timothy Sheenan, 151 Shepherd Ave. questioned the setbacks as compared to what had previously been on the property. The previous owner had a garage on the property.

The new proposed garage would be further away from Block 109 Lot 14(151 Shepherd Ave.)

Claire Grillo, 151 Shepherd Ave. questioned where the proposed driveway would be and was unsure of the location of the roof structure.

Mr. Barclay addressed the questions.

The Board discussed the application.

Member Vietri stated that the garage was consistent with the neighborhood and he had no objections to granting the variance.

Member McNulty stated that the garage is proportional to the neighborhood.

Member Thompson stated that the proposed house, garage are proportional with the neighborhood.

Member Anello stated the aesthetics of the garage are pleasing and would not have a negative impact on the area.

Member Johnson stated that he was in favor of granting the variance.

Member Hoyt stated that the applicant was improving the property and was in favor of the variance.

Chairperson DiMura agreed with the Board and stated this would improve the neighborhood.

Member Thompson made a motion to grant the sideyard variance as requested by the applicant, seconded by Member Hoyt: Vote: Member Anello-yes, Member Hoyt-yes, Chairperson DiMura-yes, Member McNulty-yes, Member Vietri-yes, Member Thompson-yes, Member Johnson-yes. Motion passed.

#### 6. Board Member Comments

Member Thompson requested a copy of the recommendation letter of ordinance changes from the Zoning Board to the Governing Body. Ms. Dowling will provide the Board Clerk a copy to distribute at the next meeting.

Chairperson DiMura stated that he would be resigning from the Zoning Board and Planning Board as to avoid any conflicts as he is running for public office.

Chairperson DiMura opened the meeting to the public.

There being no public present, he closed the public portion of the meeting.

There being no further business Member Thompson made a motion to adjourn the meeting at 8:32pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Regular Meeting Minutes**  
**July 1, 2015**  
**7:30 PM**

**1. Call to Order**

Acting Chairperson Thompson called the meeting to order at 7:36pm.

**2. Open Public Meeting Act Statement**

Acting Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

Also present was substituting Board Attorney, Ms. Kelly Carey, Bob Bucco Jr. Zoning Board Engineer and Uzo Ahairakwe, Board Planner.

**4. Minutes**

Member Vietri made a motion to accept the June 17, 2015 meeting minutes, seconded by Member Anello. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2015-04**  
**Kyle and Amy Flood**  
**351 Grant Ave**  
**Block 109 Lot 12**

**Memorialize Resolution**

Member Anello made a motion to approve the Resolution with terms defined in Resolution, seconded by Member Hoyt, Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson- abstain, Member Vietri-yes, Member Lopa- abstain, Member Thompson-yes, Member Johnson-yes. Motion passed.

**Z2015-02**  
**Union Plaza LLC**  
**619 Union Ave**  
**Block 80 Lot 4**

**Use Variance**

Mr. Don Whitelaw stated that he would be representing the applicant for the use variance and preliminary and final site plan.

Mr. Whitelaw stated that the applicant is going to bifurcate the application to get the use approval then will return to the Board to get the site plan approvals.

Mr. Whitelaw stated that there are multiple buildings on the property with the front building been approved in 1986.

Mr. Whitelaw stated that the front building is a two story building with the second floor office that the owner has not been able to rent so he wants to turn the space into two apartments.

Mr. Whitelaw stated Roger DeNiscia, Planner and Ira Alpert owner of the property are also in attendance.

Member Lopa questioned the variance needed on the property.

Ms. Carey answered Member Lopa's question.

The Board accepted Mr. DeNiscia qualifications as he has appeared in front of the Board on numerous occasions.

Mr. DeNiscia presented a two sided photo board that was entered as Exhibit A1 and A2.

Exhibit A1 shows 2 aerial photographs of the site and a sample floor plan.

Exhibit A2 shows 8 photographs of the site.

Mr. DeNiscia described the site as

- long and narrow
- 115ft width and 667 depth
- 1.7 acres, having a 1800 sq ft office on the second floor of building#1 that is vacant
- parking area with a single access way
- series of buildings that house a credit union and a day care
- 40 parking spaces that currently 1/2 parking spaces are used,
- 3 landscaped areas on the site
- total of 12,666 sq ft
- second floor of building #1 in disuse and underutilized

Mr. DeNiscia described the (2) two bedroom apartments that would be 750 sq.ft. each.

Mr. DeNiscia spoke about the critical planning need, the master plan with having a variety of housing, underutilized properties.

Mr. DeNiscia stated that this is a separate building with a separate parking area, with 4 parking spaces to be reserved at Building #1.

Mr. DeNiscia spoke about the zoning for the site, 1 and 2 family, professional and general business uses.

Mr. DeNiscia stated that no other buildings on the site were to be changed only building#1.

Mr. DeNiscia referenced another site in the RT zone that has a business and apartment over the business.

Member Anello questioned the waivers that were requested on the site plan.

Mr. Whitelaw explained that originally the application was submitted with the waivers then after the Planner and Engineer review letters the applicant decided to bifurcate the application as not to spend money on a full site plan if the use was not going to be permitted.

The Board Engineer and Board Planner had no objections with the Board granting the use variance.

Member Thompson questioned the traffic on the site.

Member Anello made a motion to allow the use variance subject to the site plan, seconded by Member Lopa. Vote: Member Anello- yes, Member Hoyt-yes, Member Jackson- yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes, Member Johnson-yes. Motion passed.

## 6. Board Member Comments

Member Thompson asked the Board members to review the letter to the Governing Body from the Zoning Board.

Member Lopa nominated Anthony Thompson as Chairperson of the Zoning Board, seconded by Member Hoyt. Vote: All in favor. Motion passed. Anthony Thompson will serve as Chairperson.

Chairperson Thompson nominated John Anello as Vice Chairperson of the Zoning Board, seconded by Member Vietri. Vote: All in favor. Motion passed. John Anello will now serve as Vice Chairperson of the Zoning Board, giving up the Secretary position.

The Board tabled the nominations for the Secretary position until the next meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:40pm, seconded by Member Johnson. Vote: All in favor. Meeting adjourned.

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Secretary

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Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**July 15, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:40pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent]	Sean Johnson Dec/2015 [present]

Also present was Board Attorney Ms. Joan Dowling.

**4. Election of Board Secretary**

Member Lopa nominated Sean Johnson for Secretary of Board of Adjustment, seconded by Member Hoyt. There being no further nominations Chairperson Thompson closed nominations. Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson-yes, Member Vietri-yes, Member Lopa-yes, Chairperson Thompson-yes, Member Johnson-yes. Motion passed.

**5. Minutes**

Member Johnson made a motion to accept the July 15, 2015 meeting minutes, seconded by Member Hoyt. Vote: All in favor. Motion passed.

**6. Old Business**

**Z2015-02**  
**Union Plaza LLC**  
**619 Union Ave**  
**Block 80 Lot 4**

**Memorialize Resolution**

Member Anello made a motion to approve the Resolution with the conditions stated, seconded by Member Lopa. Vote: Member Anello-yes, Member Hoyt-yes, Member

Jackson- yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes, Member Johnson-yes. Motion passed.

## **7. New Business**

**Z2015-06**

**Setback Variance**

**Michael and Josefa Salvatore  
7 Douglass Lane  
Block 86.04 Block 14**

Ms. Dowling duly swore in Josefa Salvatore, 7 Douglass Lane, Middlesex NJ 08846.

Ms. Dowling stated that the incorrect box had been checked on the application and that the correct box for the c variance has now been corrected.

Ms. Salvatore stated that they would like to cover the patio with a permanent roof.

Ms. Salvatore stated that she had been using temporary awnings and would like a more permanent roof to provide shade.

Ms. Salvatore stated that the patio area would not be enclosed, just looking to have the builder put a roof over the concrete patio.

Ms. Dowling duly swore in Mathias Frederickson, 130 Cumberland St., South Plainfield, NJ 07080.

Mr. Frederickson stated that he would be building the cover for the 25 x 15 ft. patio.

The Board, applicant and builder calculated the distance from the patio to the rear property line is 13ft.

The Board stated that the property is in the R75 zone so the setback from the rear property line is 20ft and that the applicant is 7ft over the minimum

Member Anello questioned why the contractor was not putting the columns in the concrete.

Mr. Frederickson stated that he does not want to dig into the concrete.

Ms. Salvatore stated that the patio was there when they purchased the property.

Member Anello stated that the Board has granted these types of variances in the past.

The Board discussed the surrounding properties with Ms. Salvatore.

Member Vietri questioned if Ms. Salvatore would be replacing the concrete patio.

Ms. Salvatore stated that they would just be painting the concrete and putting a picnic table on it.

Chairperson Thompson asked for the Board discussion on the variance.

Member Johnson stated that other homeowners have received a variance and was ok with this.

Member Lopa stated that there was no harm in granting this variance.

Member Vietri stated that other homeowners have already gotten a variance for the same thing.

Member Anello stated that this will not impact the neighbors and would be 13ft from the property line.

Member Jackson agreed with the other Board Members.

Member Hoyt stated that there was no detriment to the neighborhood.

Chairperson Thompson agreed with the Board and stated that it was consistent with the neighborhood.

Ms. Dowling asked if she should include a condition in the resolution that the structure has to remain open and can't be enclosed.

The Board members discussed the condition.

Member Anello made a motion to approve the variance granting the setbacks that were asked for and with the condition that the structure not be enclosed, seconded by Member Vietri. Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson- abstain, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes, Member Johnson-yes. Motion approved.

Ms. Dowling and the Board Members explained to the applicant the procedures following the application.

## 8. Correspondence

Ms. Dowling explained that this had been the second draft of the letter regarding ordinance changes. Chairperson Thompson will sign the letter so it may be sent to the Governing Body.

Ms. Dowling asked to see the Zoning Board Member list with terms so that she can verify the terms as a new member had been appointed.

Chairperson Thompson opened the meeting to the public, there being no public closed the public portion of the meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:44pm, seconded by Member Hoyt. Vote: All in favor. Meeting adjourned.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Regular Meeting Minutes**  
**August 5, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:41pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent]	Sean Johnson Dec/2015 [absent]

Also present was Board Attorney Ms. Joan Dowling.

**4. Minutes**

Member Anello made a motion to approve the minutes with the corrections on page 2, seconded by Member Vietri. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2015-06**  
**Salvatore**  
**7 Douglass Lane**  
**Block 86.04 Lot 14**

**Memorialize Resolution**

Member Anello made a motion to approve the Resolution, seconded by Member Lopa.

The Board Members discussed where the measurements are taken from on the structure to the property line and the board does not grant permission for the sides to be constructed.

Member Anello made a motion to approve the amendment, seconded by Member Lopa. Vote: All in favor.

Member Anello made a motion to approve the Resolution granting the setback variance with the amendment, seconded by Member Lopa. Vote: Member Anello-yes, Member Jackson- yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

## **6. Correspondence**

Chairperson Thompson stated that the Board Clerk had emailed the terms and Board contact information and if the Board Members had questions regarding this information to contact Karen Wick.

Chairperson Thompson opened the meeting to the public, there being no public, he closed the public portion of the meeting.

There being no further business Member Lopa made a motion to adjourn the meeting at 8:01pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**August 19, 2015**  
**7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:41pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [absent]
Joseph McNulty Dec/2016 [present 7:50pm]	Sean Johnson Dec/2015 [absent]

Also present were: Board Attorney, Ms. Joan Dowling.  
Board Engineer, Robert Bucco Jr.  
Board Planner, Michael Cole

**4. Minutes**

Member Anello made a motion to approve the minutes of the August 5, 2015 meeting, seconded by Member Lopa. Vote: All in favor. Motion passed.

**5. New Business**

**Z2015-07**  
**MBKS**  
**102 South Ave**  
**Block 287 Lot 6**

**Use Variance**

Mr. Michael Butler of Eckert Seamans Cherin and Merlott LLC stated that he was representing MBKS on the use variance and site plan.

The Board stated that due to unforeseen circumstances with the storm that has just passed through the area, some of the members would not be attending due to their occupations.

The applicant elected to have a full board do to the votes needed for the D variance therefore no testimony would start.

The Board opened the application and preserved the notice, stating that the application would be heard at the next meeting Wednesday September 2, 2015.

The application will be heard at the September 2, 2015 meeting.

## **6. Correspondence**

No correspondence at this time.

## **7. Board Member Comments**

Chairperson Thompson stated that the Board still needed another alternate and also would like the attendance sheet for the year. The Board Clerk will forward the information to the Chairperson.

## **8. Public Comments**

There were no public comments at this time.

There being no further business Member Anello made a motion to adjourn the meeting at 7:51 pm, seconded by Member Lopa. Vote: All in favor. Meeting adjourned.

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Secretary

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Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
September 16, 2015  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:35pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Swearing in of New Board Members**

Ms. Dowling duly swore in new members John Fuhrmann and Robert Edwards.

**4. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [present]	Sean Johnson(Alt 1) Dec/2015 [present]
Robert Edwards Dec/2016 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Engineer, Robert Bucco Jr.  
Board Planner, Uzo Ahairakwe

**5. Minutes**

Member Vietri made a motion to accept the September 2, 2015 meeting minutes, seconded by Member Hoyt. Vote: Member Anello-yes, Member Hoyt- yes, Member Jackson-yes, Member Fuhrmann –abstain, Member Vietri- yes, Chairperson Thompson-yes. Member Johnson- abstain, Member Edwards- abstain. Motion passed

**6. Old Business**

**Z2015-08  
Hickson  
Block 136 Lot 4.01**

**Memorialize Resolution**

Member Vietri made a motion to accept the Resolution approving the variance, seconded by Member Hoyt. Vote: Member Anello- yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann- abstain, Member Vietri- yes, Chairperson Thompson-yes, Member Johnson- abstain, Member Edwards- abstain. Motion passed.

**Z2015-07**  
**MBKS**  
**102 South Ave**  
**Block 287 Lot 6**

**Continuation**

Mr. Michael Butler stated that he is representing MBKS with the use variance.

Mr. Butler stated that Mr. Sowden bought the property in 2000.

Ms. Dowling duly swore in Richard Sowden, 393 Jaguar Lane, Bridgewater, NJ 08807.

Mr. Sowden stated that he is the owner of MBKS LLC, and that he has owned the property since 2000.

Mr. Sowden stated that his employees bring the used tires and load them into the trailers.

Mr. Sowden stated that this is a “green” business.

Mr. Sowden gave a general overview of the site plan stating where the fence is located, hours of operation, location of trailers and the light pole.

Ms. Dowling asked about the waivers.

Member Fuhrmann questioned the C variance component and also the D variance and asked for clarification.

Mr. Butler explained the position that was taken by the zoning officer and previous application.

Mr. Sowden explained that different trailers get filled and depending on the volume the trailer could be on the property one day or two months.

Mr. Butler introduced Exhibit A1 a packet of 22 photographs of the surrounding area taken by the applicant between September 2, 2015 and September 16, 2015.

Mr. Sowden stated that photograph 1 of trailers docked down the street.

Member Fuhrmann questioned the length of time the trailers in the photograph were at this location.

Mr. Sowden stated that:

- Photograph 1 was trailers on South Ave
- Photograph 2 was a construction yard off of Egel Ave.
- Photograph 3 was South Ave across from Ultimate Storage
- Photograph 4 was picture of Egel Ave.
- Photograph 5 was on the right hand side of South Ave
- Photograph 6 was the back of Capital Printing with a trailer and pallet
- Photograph 7 was a bus storage yard
- Photograph 8 was behind 125 South Ave by the railroad showing 2 objects- a bus chassis and cab and frame.

The Board concluded that the pictures would be of the surrounding areas.

Member Anello questioned how many towns in the county does Mr. Sowden service.

Mr. Sowden stated that there are seven towns in Middlesex County that use his service.

Member Anello questioned if the gate of the fence was operational.

The applicant agreed to have the gates operational.

Member Vietri asked if Mr. Sowden receives fire prevention inspections.

Mr. Sowden stated that he in regularly has fire prevention inspections from the county and the state and that he complies with regulations.

Member Anello questioned if you were able to drive through the property to reach the property behind 102 South Ave.

Mr. Sowden informed the Board yes, until the gate gets repaired

Member Jackson asked how the trailers were parked as he was concerned with vandalism.

The Board discussed the fence location and the lockable gate around Lot 51 tire business and Lot 6 the subject property, and the fence located behind the residence on block 18.

Ms. Dowling duly swore in Mr. Robert Templin, 861 Eisenhower Rd., Bridgewater NJ 08807.

Mr. Templin stated his credentials and education as Engineer and surveyor.

The Board accepted Mr. Templin as an expert witness.

Mr. Templin gave a brief background of the site with the frontage being on South Ave, stone area, fence on 2 side of the property, light fixtures in the center and corner of property.

The Board and Mr. Templin addressed the report from Najarian Associates letter dated July 6, 2015.

The Board reviewed the waiver requests from the site plan checklist.

The applicant had requested waivers on items; #9(elevations and contours), #10 (storm drainage plan),#11 (location of outcrops, highpoints..),#12(flood hazard area),#16 (floor plan and elevations of buildings),#17(driveway plan and traffic flow),#19(locations of water lines),#20(location of sewer lines),#21(locations of utilities) and# 22(lighting plan).

Mr. Bucco of Najarian Associates stated that he had no changes with his technical review comments.

Mr. Ahairakwe of Cole and Associates stated that he was not in favor of the Board granting the waivers for #9,#17 and #22.

The Board discussed the waivers.

Mr. Templin stated that #9 and #17 can be added to the site plan.

Member Anello made a motion to allow waivers except for #9, #17 and #22, seconded by Member Hoyt. Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Chairperson Thompson-yes, Member Johnson-yes. Motion passed.

The site plan was discussed further; there will be 11 concrete bumper curbs added on the plan for the parking of customer vehicles for business on Egel Ave, the dumpster location on Lot 6 would be shown on the plan, fencing would be repaired, bollards on the utility pole, grading and drainage would be addressed by filling in areas with stone, general cleanup of the site (removal of weeds), there would be no dumpster located on the property (Lot 6), utility lights will be moved to the corner of the property by PSEG (as indicated by Mr. Sowden)

Member Anello questioned the previous contamination of this site.

Ms. Sowden stated that the previous owner has to have a plan in action by 2017, and that there is a trust account.

The Board requested that the monitoring wells be shown on the site plan.

The applicant will also supply supporting documents regarding the environmental remediation.

The applicant is not requesting any signage for the property.

Ms. Dowling duly swore in the applicant's Planner, Mr. David Karlebach, 38 East Ridge Wood.

Mr. Karlebach stated his education and credentials as a licensed Planner.

The Board accepted Mr. Karlebach as an expert witness.

Exhibit A2 was entered as a 3 sheet packet containing a Birdseye view of the property, the use of the property and surrounding land uses.

Mr. Karlebach stated that the site was uniform, no irregularities, 1/2 acre, developed as trailer staging area, site also used to park vehicles.

Mr. Karlebach stated that the site has been existing for 15 years so the impact of the site is already known, the site is in the IND zone that permits contractor storage yards, lumber yards and industrial uses and the proposed use of this site is comparable to these uses.

Mr. Karlebach stated that D variance subsumes the c variance requested.

Mr. Karlebach stated the purpose of land use law and the advancement of the law citing 40:55D-2 Purposes of the act (o). to promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs

Mr. Karlebach stated that the shape of the site and the access to the surrounding areas and staging area is an efficient use of the property, using land more efficient and that the benefits outweigh the detriments to the public.

Mr. Karlebach stated that the applicant was agreeable to the changes that the board had suggested with the fencing of the property.

Member Fuhrmann questioned the number of trailers and the minimum number of trailers that Mr. Sowden needed to operate the business.

Mr. Sowden stated that he could operate with 8 trailers.

The Board discussed the number of trailers and how they are set up on the site plan, the chain link fence with hedgelink material on the easterly and westerly side of the property, the fence located on Lot 57 to be moved back to the rear property line, that no permanent buildings shall be on the site, the revised plan shall document the dimensions of the driveway size.

Chairperson Thompson opened the meeting to the public.

Emil Vogt, 37 Davis Ave, Piscataway, NJ 08854 questioned the parking on 107 Egel Ave

Mr. Vogt was informed that this was not part of the application.

Mr. Vogt questioned the size of the containers and if the containers were drawn to scale on the plan.

Mark Sowden, 62 Pearl St., Bridgewater, NJ thanked the Board for their time regarding this application.

Mr. Zoller gave his summation.

The Board reviewed the changes to the plan:

Waivers #9, 17, and 22 will be reflected on the plan, the chain fence located on the property line will be shown, the elevations will be shown to depict curbs, detail of the chain link fence and gates will be shown, detail of the fabric will be shown, the dimensions of the trailers will be shown on the plan, 8 trailers will be shown on the site plan, a note of no permanent buildings on the property will be placed on the plan, monitoring wells will be shown on the plan, lighting will be shown, areas to be filled in with stone shall be marked on the plan, the plan shall be marked no existing water on the site, the 3(trailers)containers and gate shall be shown on Lot 51.

The Board discussed whether to vote now or wait 2 weeks (October 7, 2015) and have the revised plans.

The Board decided not to vote until the October 7, 2015 meeting.

The Board stated there comments on the application.

Member Vietri stated that there was no detriment to the town, site just need to be upgraded.

Member Edwards liked that the business was "green."

Member Fuhrmann had no issues.

Member Johnson and Chairperson Thompson were sufficient with the application.

Member Anello stated that there was no detriment to the town.

Member Jackson had no issues with the application.

Member Hoyt wanted to see the changes in black and white.

## **7. Correspondence**

Ms. Dowling informed the Board of the email received regarding an Ordinance change in Bridgewater that the Borough had been noticed on.

Chairperson Thompson opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 10:55pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
September 2, 2015  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:36pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [absent ]	Sean Johnson Dec/2015 [absent]

Also present was: Board Attorney- Ms. Joan Dowling

**4. Minutes**

Member Lopa made a motion to accept the August 19, 2015 meeting minutes, seconded by Member Jackson. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2015-07**

**Continuation**

**MBKS**

**102 South Ave**

**Block 287 Lot 6**

Chairperson Thompson announced that the application was being carried to the next meeting.

**6. New Business**

**Z2015-08**

**Hickson**

**319 Ashland Rd.**

**Block 136 Lot 4.01**

Ms. Joan Dowling duly swore in Mr. Warren Orlando, 221 Beechwood Ave.

Mr. Orlando stated he has appeared in front of the Board on numerous occasions and had done the addition for the Hickson residence.

Mr. Orlando stated that he was the builder and that he had constructed the addition and also extended the back porch.

Mr. Orlando explained that the applicant had previously received a variance for the back porch extension.

Mr. Orlando stated it was discovered once the final survey had been completed that the encroachment was 6ft into the set back not 4 1/2 feet (the amount that had been previously granted).

Mr. Orlando explained how the custom roof with overhang had been constructed.

Mr. Orlando and the Board Members discussed how the measurement error had occurred with the original survey.

Mr. Orlando stated that the applicant has returned to the Board to seek a variance to correct the matter.

Ms. Dowling duly swore in Ms. Linda Hickson, 319 Ashland Rd.

Ms. Dowling clarified that Mr. Orlando and Ms. Hickson were in attendance at the previous hearing on November 28, 2012 and that the testimony would remain the same.

Ms. Dowling clarified the aspects of the previous hearing for the new Board Members.

Chairperson Thompson opened the meeting to the public.

There being no public, Chairperson Thompson closed the public portion and the board returned to discussion.

Member Jackson stated he was familiar with the property by the lake and was in favor of granting the variance.

Member Lopa stated he was in favor of granting the variance and the homeowner was trying to fix the situation.

Member Vietri stated that he was also in favor of granting the variance agreeing with Member Lopa's statement.

Member Anello stated that he was also in favor of granting the variance that there was no impact on the surrounding area and was a benefit to the neighborhood.

Member Hoyt stated that he was in favor of granting the variance, it was a benefit to the neighborhood.

Chairperson Thompson stated that he agreed with the Board.

Member Lopa made a motion to grant the requested variance, seconded by Member Hoyt. Vote: Member Anello- yes, Member Hoyt- yes, Member Jackson-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes. Motion passed.

## **7. Correspondence**

There was no correspondence at this time.

## **8. Board Member Comments**

Chairperson Thompson stated that he had drafted a letter requesting additional or alternate Board Members to the Mayor.

Chairperson Thompson opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Lopa made a motion to adjourn the meeting at 8:10pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

\_\_\_\_\_  
Secretary

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Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
October 7, 2015  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:38pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [absent]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [present]	Sean Johnson(Alt 1) Dec/2015 [absent]
Robert Edwards Dec/2016 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Engineer, Robert Bucco Jr.  
Board Planner, Michael Cole

**4. Minutes**

Member Fuhrmann made a motion to accept the September 16, 2015 meeting minutes with the addition of three items, seconded by Member Anello. Vote: Member Anello-yes, Member Hoyt- yes, Member Jackson-yes, Member Fuhrmann –yes, Member Vietri- yes, Chairperson Thompson-yes, Member Edwards- yes. Motion passed.

**5. Old Business**

**Z2015-07  
MBKS  
102 South Ave  
Block 287 Lot 6**

Mr. Butler stated that the changes were made to the site plan for MBKS 102 South Ave.

Mr. Butler stated that the applicant's Engineer, Mr. Templin would go through the changes.

Mr. Butler stated that the environmental information that was requested has been submitted to the Board.

Mr. Templin and Mr. Sowden were reminded that they were still under oath.

Mr. Templin informed the Board of the changes to the site plan:

- Designated depressed curb on the plan
- Added the elevations and topography
- Added the gates indicating the 55ft sliding gate
- Marked the flow of traffic on the plan
- Added the 30ft swinging gate on the westerly side
- Monitoring wells locations indicated on the plan
- Re-grading spots are indicated
- Trailer dimensions are indicated on the westerly side of property
- Existing light pole on the corner was added
- Fences to Lot 57 are now shown on plan
- Screen mesh on east and west sides of fence noted on the plan
- Added the notations on the plan for hours of operation, no buildings to be constructed on the property, no water or sewer
- Amount of the trailers was reduced from 9 to 8

Member Anello questioned if the parking lot would be re-graded with stone or would it be paved.

The applicant stated that the parking lot would be re-graded with stone.

Mr. Bucco stated that the bumper stops with details should be added to the plan.

The applicant will add to the plan the bumper stops with details.

Member Anello questioned the size of the gates on the westerly side of the property.

The applicant stated that there will be a 25ft and 30ft sliding gate on the northeast side and on the west side of property.

Mr. Bucco asked what type of stone will be used to re-grade the property.

The applicant stated that it will be DGA stone to re-grade the property.

Exhibit A3 was entered as an informational sheet on the gate.

Ms. Dowling clarified the length of the gate.

The northeast corner will have a 25ft gate which will slide into a 30ft section of fence.

The northwest gate will be 2 (15ft) swinging gates that will open toward South Ave.

The swinging gates will be added to the plan.

The detail for the sliding gates will be added to the plan.

Mr. Cole requested that the foot candles for the PSEG lights be added to the plan.

Member Anello stated that there were 4 monitoring wells according the environmental data and only 2 wells on the drawings.

The 2 monitoring wells located on 107 Egel Ave will be added to the plan.

Exhibit A4 was entered as the DEP letter dated 5-12-2000 with agreement dated May 2000.

Exhibit A5 was entered as the Escrow Agreement dated 7/9/2000 (12 Pages).

Exhibit A6 was entered as the Remedial Investigation Report and Remedial Action Report by AccuTech Environmental Services dated 12/10/2008.

Member Fuhrmann questioned the last paragraph from Exhibit A4 DEP Letter.

The Board discussed this and agreed with Mr. Butler that Mr. Sowden did not have the responsibility to clean up the site, the use of the property is why the applicant is in front of the Board to obtain an use variance.

Member Fuhrmann questioned how long the site improvements will take and should the Board set a time limit.

The Board and the applicant discussed an appropriate time limit and agreed on 180 days from the date of approval and if an extension is to be requested than the applicant will write to the Zoning Board no later than 160 days.

Ms. Dowling reminded the Board that they would be voting and adopting the Resolution.

Chairperson Thompson opened the meeting to the public, there being no public comments he closed the public portion of the meeting.

Member Fuhrmann made a motion to have a 10 minute recess, seconded by Member Edwards. Vote: All in favor.

The Board took a 10 minute recess, upon returning roll call was taken with all members still present.

Member Anello made a motion to approved the Resolution granting the use, bulk variances with waivers, the site plan with the following conditions: DGA stone note added to the plan, the fence starting and ending positions shown, gate detail shown on the plan, bumper stops shown on plan with the detail, foot candles to be shown on the plan, the monitoring wells for 107 Egel Ave to be shown, the 180 day completion of improvements( any extensions would need to be in writing and submitted to the Zoning Board prior to 160 days), seconded by Member Edwards: Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Chairperson Thompson-yes, Member Edwards-yes. Motion passed.

## **6. New Business**

**Z2014-05**

**New York SMSA Limited Partnership  
Dba Verizon Wireless  
398 Lincoln Blvd  
Block 343 Lot 14.01**

Ms. Dowling stated that this application was never opened by the Board. The Board reviewed the correspondence that Ms. Palumbo , Zoning Officer and Administrator to the Boards had sent regarding this application. The Board stated that the Borough had done their due diligence. Member Anello made a motion to dismiss without prejudice, seconded by Member Hoyt. Vote: All in favor. Motion passed.

## **7. Correspondence**

### **A. Piscataway Township Notice**

Ms. Dowling explained the notice the Borough received from Piscataway.

### **B. Letter from K. Carey (Planning Board)**

Chairperson Thompson stated that the Planning Board agreed with the Zoning Board recommendations regarding the Ordinances that were reviewed.

## **8. Board Member Comments**

The Board discussed the open Secretary Position as Member Johnson will no longer be on the Board.

Chairperson Thompson asked for nominations for Secretary.

Member Anello nominated Member Edwards as Secretary for the remainder of 2015, seconded by Member Vietri. Chairperson Thompson asked if there were any other nominations for this position, there being none closed the nominations.

Vote: Member Anello-yes, Member Hoyt-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Chairperson Thompson-yes, Member Edwards-yes. The motion was carried unanimously.

There being no further business Member Fuhrmann made a motion to adjourn the meeting at 9:02pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
November 18, 2015  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:35pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [present]	Sean Johnson(Alt 1) Dec/2015 [absent]
Robert Edwards Dec/2016 [present]	

Also present was Board Attorney, Ms. Joan Dowling.

**4. Minutes**

Member Anello made a motion to accept the October 7, 2015 meeting minutes, seconded by Member Fuhrmann. Vote: All in favor. Motion passed.

**5. Board Member Comments**

**A. Review Draft of 2015 Year End Report**

The Board reviewed the 2015 Year End Report and made the following changes: remove the Resolution number, correct the number items to show 1-7, remove the last paragraph and add #8 to show ordinance review. The Board Clerk will make the changes and the Board will discuss and then adopt at the next meeting, Wednesday December 2, 2015.

**B. Subcommittee Formation to Review Bids**

Chairperson Thompson, Member Anello and Member Edwards formed the subcommittee to review the RFP's for the Zoning Board.

The Board discussed the members terms and discussed the procedures that the Mayor and Governing Body following for appointing members to the Zoning Board.

Chairperson Thompson opened the meeting to the public, there being no public he closed the public portion of the meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:27pm, seconded by Member Lopa. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
December 2, 2015  
7:30 PM**

**1. Call to Order**

Vice-Chairperson Anello called the meeting to order at 7:40pm.

**2. Open Public Meeting Act Statement**

Vice-Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [absent]	Anthony Thompson Dec/2018 [absent]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [absent]	Sean Johnson(Alt 1) Dec/2015 [absent]
Robert Edwards Dec/2016 [present]	

Also present was Board Attorney, Ms. Joan Dowling.

**4. Minutes**

Member Lopa made a motion to accept the November 18, 2015 meeting minutes, seconded by Member Vietri. Vote: All in favor. Motion passed.

**5. Board Member Comments**

**A. Review and Adoption of 2015 Year End Report**

The Board reviewed the 2015 Year End Report. Member Lopa made a motion to adopt the 2015 Year End Report, seconded by Member Edwards. Vote: Member Anello-yes, Member Vietri-yes, Member Lopa-yes, Member Edwards-yes. Motion passed.

Member Lopa stated that he would not be returning next year and has notified the Mayor in writing.

Vice-Chairperson Anello opened the meeting to the public, there being no public he closed the public portion of the meeting.

Ms. Dowling stated that she has received copies of the legal documents regarding McDonalds's and Acme. Ms. Dowling stated that these documents were in conjunction with the conditions of approval given by the Board

There being no further business Member Vietri made a motion to adjourn the meeting at 7:50pm, seconded by Member Lopa. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk